

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BRIAN FISCHLER,

Plaintiff,

-v-

OMSOM CORPORATION,

Defendant.

22 Civ. 5258 (PAE) (JEW)

ORDER OF  
DISCONTINUANCE

PAUL A. ENGELMAYER, District Judge:

The Court having been advised, at Dkt. 6, by the parties that all claims as between plaintiff and defendant Omsom Corporation have been settled in principle, it is ORDERED that the above-entitled action is hereby dismissed and discontinued without costs, and without prejudice to plaintiff's right to reopen the action within thirty days of the date of this Order as to defendant Omsom Corporation if the settlement is not consummated.

To be clear, any application to reopen must be filed within thirty days of this Order; any application to reopen filed thereafter may be denied solely on that basis. Further, if the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court within the same thirty-day period to be "so ordered" by the Court. Per Paragraph 4(C) of the Court's Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

The Clerk of Court is respectfully directed to terminate defendant Omsom Corporation as a party.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", written in black ink.

---

PAUL A. ENGELMAYER  
United States District Judge

Dated: October 12, 2022  
New York, New York